

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ MAY 17 2012 ★

FOREVERLAWN, INC.,

Plaintiff,

v.

FALCONE LANDSCAPING & LAWN  
CARE, INC., et al.,

Defendants.

**BROOKLYN OFFICE**

**ORDER**

09-CV-1633 (MKB) (RLM)

MARGO K. BRODIE, United States District Judge:

The above-captioned action was filed on April 17, 2009. Since that time, Plaintiff has failed to serve the complaint or take any action to prosecute its claim, aside from the filing of two pro hac vice motions. On March 29, 2012, Magistrate Judge Mann issued an Order to Show Cause, directing Plaintiff to show cause, in writing, by April 5, 2012, why the complaint should not be dismissed. Plaintiff was warned that if it failed to submit a timely response the case would be dismissed and sanctions would be imposed. Plaintiff did not respond to the Order. On April 25, 2012, Magistrate Judge Mann filed a Report & Recommendation ("R&R"), recommending that the case be dismissed and Plaintiff's counsel be admonished for violating the Magistrate Court's Order. No objections were filed.

This Court has reviewed the unopposed R&R, and, finding no clear error, the Court adopts Magistrate Judge Mann's R&R pursuant to 28 U.S.C. § 636(b)(1). Accordingly, the

above-captioned action is dismissed with prejudice and Plaintiff's counsel is admonished for violating the Magistrate Court's Order.

SO ORDERED:

s/Margo K. Brodie

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MARGO K. BRODIE  
United States District Judge

Dated: May 16, 2012  
Brooklyn, New York